

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ALFONSO PERCY PEW,</b>	:	
<b>Plaintiff</b>	:	<b>No. 1:21-CV-0949</b>
	:	
<b>v.</b>	:	<b>Judge Carlson</b>
	:	
<b>LT. SHERMAN, SUPT. SALAMON, UNIT MANAGER KNAPP, CORRECTIONAL OFFICER LENTZ and CORRECTIONAL OFFICER PANCOST/PANCOURT,</b>	: : : : : : :	<b>Electronically Filed Document</b>  <i>Complaint Filed 05/26/21</i>
<b>Defendants</b>	:	

**DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO  
PLAINTIFF'S AMENDED COMPLAINT**

Defendants Superintendent Bobbi Jo Salamon, Lieutenant Justin Sherman, Unit Manager Michael Knapp, Corrections Officer Elliot Pancoast, and Corrections Officer Shawn Lentz (collectively "Defendants") hereby file this Answer with Affirmative Defenses to the Complaint filed by Alfonso Pew (Doc. 1), which seeks injunctive and monetary relief for alleged constitutional violations.

## **NATURE OF COMPLAINT<sup>1</sup>**

I. This allegation is a conclusion of law to which no response is required.

## **ADDRESSES AND INFORMATION**

II(A). Upon information and belief, it is ADMITTED that Plaintiff is who he claims to be.

II(B)(1) It is ADMITTED that Defendant Sherman is a Lieutenant at SCI Rockview.

II(B)(2) It is ADMITTED that Defendant Salamon is Superintendent at SCI Rockview.

II(B)(3) It is ADMITTED that Defendant Knapp is a Unit Manager at SCI Rockview.

II(B)(4) It is ADMITTED that Defendant Lentz is a Corrections Officer at SCI Rockview.

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<sup>1</sup> Defendants are adopting the headings utilized by Plaintiff purely for organization and convenience of the reader. In using these headings, Defendants are not making any admission regarding their content and expressly deny any factual averments contained therein.

II(B)(5) It is ADMITTED that Defendant Pancoast is a Corrections Officer at SCI Rockview.

**STATEMENT OF FACTS**

III(A). This allegation is a conclusion of law to which no response is required. To the extent that any facts are alleged against the Defendant, such are DENIED.

III(B). DENIED.

III(C)(1). ADMITTED in part and DENIED in part. It is ADMITTED that Alfonso Pew (“Plaintiff”) was moved to the G.B. Unit on April 26, 2021. It is ADMITTED that Plaintiff had previously submitted an inmate request not to be moved to the Unit. It is DENIED that the Plaintiff was hurt by Defendants. The remainder of this sentence is a conclusion of law to which no response is required. To the extent that any facts are alleged against Defendants, such are DENIED.

III(C)(2). ADMITTED in part and DENIED in part. It is ADMITTED that Superintendent Salamon denied Plaintiff’s request for camera movement restriction; however, this occurred on April 7, 2021, not April 27, 2021 as Plaintiff alleges. The remainder of this sentence is a conclusion of law to which no response is required. To the extent that any facts are alleged against Defendants, such are DENIED.

III(C)(3). This allegation is a conclusion of law to which no response is required. To the extent that any facts are alleged against Defendants, such are DENIED.

III(C)(4). DENIED.

### **LEGAL CLAIMS**

IV. This allegation is a conclusion of law to which no response is required. To the extent that any facts are alleged against Defendants, such are DENIED.

### **INJURY**

V. This allegation is a conclusion of law to which no response is required. To the extent that any facts are alleged against Defendants, such are DENIED.

### **RELIEF**

VI. These allegations are conclusions of law to which no response is required. To the extent that any facts are alleged against Defendants, such are DENIED. By way of further answer, Defendants respectfully deny that Plaintiff is entitled to any such requested relief identified and request that this Honorable Court dismiss this matter.

### **AFFIRMATIVE DEFENSES**

In addition to the responses provided above, Defendants assert the following affirmative defenses:

1. The Complaint fails to state claims upon which relief may be granted against Defendants.
2. Claims against state officials in their official capacities, for monetary damages are treated as suits against the state and are barred by the Eleventh Amendment.
3. Plaintiff has failed to aver facts to establish each Defendant's personal involvement in this matter and allow for personal liability.
3. Defendants acted at all times with the good-faith belief that their conduct was lawful and are therefore immune from liability by virtue of qualified or other immunity.
4. Plaintiff has failed to exhaust his administrative remedies for the identified claims herein.
5. Plaintiff has failed to establish or adequately plead any state law negligence claims against the Defendants.

6. Plaintiff is unable to establish liability of Defendants through a theory of respondeat superior or vicarious liability.

7. Plaintiff is not entitled to some or all of the damages he seeks.

8. Defendants have not acted with deliberate, intentional, or reckless indifference towards Plaintiff.

9. Defendants reserve the right to add additional affirmative defenses as they arise.

**Respectfully submitted,**

**JOSH SHAPIRO**  
**Attorney General**

**Office of Attorney General**  
**15<sup>th</sup> Floor, Strawberry Square**  
**Harrisburg, PA 17120**  
**Phone: (717) 712-2037**

**[akorn@attorneygeneral.gov](mailto:akorn@attorneygeneral.gov)**

**Date: September 8, 2021**

**By: s/ Alexander T. Korn**  
**ALEXANDER T. KORN**  
**Deputy Attorney General**  
**Attorney ID 323957**

**KAREN M. ROMANO**  
**Chief Deputy Attorney General**  
**Civil Litigation Section**

**Counsel for Defendants**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ALFONSO PERCY PEW,</b>	:	
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<b>Plaintiff</b>	:	<b>No. 1:21-CV-0949</b>
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<b>v.</b>	:	<b>Judge Carlson</b>
	:	
	:	
<b>LT. SHERMAN, et al.</b>	:	
	:	
	:	
<b>Defendants</b>	:	

**CERTIFICATE OF SERVICE**

I, Alexander T. Korn, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on September 8, 2021, I caused to be served a true and correct copy of the foregoing document titled Defendants' Answer and Affirmative Defenses to Plaintiff's Amended Complaint to the following:

**VIA U.S. MAIL**

**Smart Communications/PADOC<sup>2</sup>**  
**Alfonso Percy Pew, BT-7263**  
**SCI Rockview**  
**PO Box 33028**  
**St. Petersburg, FL 33733**  
*Pro Se Plaintiff*

*s/ Alexander T. Korn*  
**ALEXANDER T. KORN**  
Deputy Attorney General

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<sup>2</sup> Pursuant to a recent change to the Department of Corrections' mail procedures, all mail, except mail from an inmate's attorney or from a court, must be processed through the vendor listed.